

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Sri J.A.S.Krishna Rao, (Retd.) the then Deputy Commissioner of Labour, Guntur and I/c Joint Commissioner of Labour, Guntur – Departmental proceedings under Rule 9 of Revised Pension Rules, 1980 – Articles of Charges – Issued.

LABOUR EMPLOYMENT TRAINING AND FACTORIES (VIG) DEPARTEMNT.

G.O.Rt.No. 2

Dated :02.01.2014.

Read

G.O.Ms.No. 1, LET&F (Vig) Deptt., dated.02.01.2014

ORDER:

In pursuance of the sanction accorded by the Government under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of the Revised Pension Rules, 1980 for instituting departmental proceedings against Sri J.A.S.Krishna Rao, the then Deputy Commissioner of Labour, Guntur and I/c Joint Commissioner of Labour, Guntur, (Retd.) vide G.O.Ms.No.1, Labour Employment Training & Factories (Vig) Department, dated: 02.01.2014 it is proposed to hold an inquiry against the said Sri J.A.S.Krishna Rao, the then Deputy Commissioner of Labour, Guntur and I/c Joint Commissioner of Labour, Guntur (Retd.) in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (CCA) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed in (Annexure III and IV). Copies of documents in support of charges are enclosed.

3. Sri J.A.S.Krishna Rao, the then Deputy Commissioner of Labour, Guntur and I/c Joint Commissioner of Labour, Guntur (Retd.) is directed to submit his written statement of defense within 15 days from the date of receipt this order and also to state whether he desires to be heard in person.

4. Sri J.A.S.Krishna Rao, the then Deputy Commissioner of Labour, Guntur and I/c Joint Commissioner of Labour, Guntur (Retd.) is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri J.A.S.Krishna Rao, the then Deputy Commissioner of Labour, Guntur and I/c Joint Commissioner of Labour, Guntur (Retd.) is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, or does not appear in person before the inquiry authority or otherwise fails or refuses to comply with the provisions of rule 20 of the Andhra Pradesh Civil Services (CCA) Rules, 1991, or the orders / directions issued in pursuance of the said rules, the inquiring authority may hold the inquiry against him ex parte.

6. The receipt of this G.O. may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C.SHARMA,
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri J.A.S.Krishna Rao, the Deputy Commissioner of Labour, Guntur and I/c Joint Commissioner of Labour, Guntur (Retd.) through the Commissioner of Labour, Andhra Pradesh, Hyderabad.

The Commissioner of Labour, Andhra Pradesh, Hyderabad.

(With a request to serve the charge

order and obtain the dated acknowledgement and furnish the same).

//Forwarded :: By order//

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Annexure – I Articles of Charges

Charge No.1: That the said Sri J.A.S.Krishna Rao, the then Deputy Commissioner of Labour, Guntur (now retired) & I/c, Joint Commissioner of Labour, Guntur has not complied the procedure prescribed under Andhra Pradesh Civil Services (CCA) Rules, 91 doing premature closure of the disciplinary proceedings against Smt. D.Lakshmi, the then Assistant Labour Officer, Bapatla now Assistant Labour Officer Guntur-I.

Charge No.2 : That Sri J.A.S.Krishna Rao, the then Deputy Commissioner of Labour, Guntur (now retired) & I/c. Joint Commissioner of Labour, Guntur has not complied with the instructions issued by the Government in appointment of Enquiry Officer and Presenting Officer in respect of disciplinary proceedings against Smt. D.Lakshmi, the then Assistant Labour Officer, Bapatla now Assistant Labour Officer Guntur-I.

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Annexure – II, Statement of Imputations

Basis of Charge No.1 : Without complying with the instructions of the Government issued vide Memo dated 03.08.2010 and Commissioner of Labour Memo dated 30.08.2010, Sri J.A.S. Krishna Rao, the then Joint Commissioner of Labour (FAC), Guntur, now retired, vide his Procs. No. A/631/2009, dated 27.08.2011 dropped the charges framed against Smt. D.Lakshmi, Assistant Labour Officer framed by the previous Joint Commissioner of Labour based on the explanation of Smt. D.Lakshmi, Assistant Labour Officer dated 29.11.2010.

Without taking into consideration the violations in non disbursal of claim amounts realized under the Minimum Wages Act to the beneficiaries and non remittance of registration/ renewal fee under A.P.S.E. Act/ Minimum Wages Act into Government exchequer and non-maintenance of cash registers regularly etc., Sri J.A.S.Krishna Rao, the then Joint Commissioner of Labour (FAC), Guntur now retired, has dropped the charges against Smt. D.Lakshmi, Assistant Labour Officer in collusion with lower rank officer including her gross financial lapses.

Thus Sri J.A.S.Krishna Rao, the then Jt. Commissioner of Labour (FAC), Guntur, now retired, by his above mentioned acts has exhibited lack of devotion to duty and exhibited conduct unbecoming of member of service and thereby contravened Rule 3(1), (2) & (3) of Andhra Pradesh Civil Service (Conduct) Rules, 1964.

Basis of Charge No.2: Without complying instructions of the Government vide Memo dated 03.08.2010 and COL Memo dated 30.08.2010, Sri J.A.S.Krishna Rao, the then Joint Commissioner of Labour (FAC), Guntur now retired, has not appointed Enquiry Officer and Presenting Officer as prescribed under Rule 20(2) & 20(5) (c) respectively of Andhra Pradesh Civil Services (CCA) Rules, 1991 to inquire into the 13 charges framed against Smt. D.Lakshmi, Assistant Labour Officer with malafide intention of deliberate delay by using dilatory tactics.

Thus Sri J.A.S.Krishna Rao, the then Joint Commissioner of Labour (FAC), Guntur, now retired, by his above mentioned acts has exhibited lack of devotion to duty and exhibited conduct unbecoming of Government servant and thereby contravened Rule 3(1), (2) & (3) of Andhra Pradesh Civil Service (Conduct) Rules, 1964.

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Annexure – III, List of documents

1. Lr. No. A/831/09, dt 12.03.2009 of the Joint Commissioner of Labour, Guntur.
2. Memo.No.J1/3771/2009, dated 25.03.2009 of the Commissioner of Labour, Andhra Pradesh, Hyderabad addred to the Joint Commissioner of Labour, Guntur.
3. Memo.No. A/831/2009, dt.06.04.2009 of Joint Commissioner of Labour, Guntur to Smt. D.Laxmi.
4. Proc. No. A/831/2009, dt. 08.04.2009 of Joint Commissioner of Labour, Guntur addressed to Smt. D.Laxmi.
5. Appeal of Smt. D.Laxmi, Assistant Labour Officer, Bapatla dated 15.04.2009.
6. Memo.No.J1/3771/2009, dated 20.04.2009 of the Commissioner of Labour, Andhra Pradesh, Hyderabad addressed to the Joint Commissioner of Labour, Guntur.
7. Lr Rc.No. A/831/2009, dated 18.04.2009 of the Joint Commissioner of Labour, Guntur.
8. Explanation dated 05.04.2009 of Smt. D.Laxmi, Assistant Labour Officer, Bapatla.
9. Proc.No.J1/3771/2009, dated 15.05.2009 of the Commissioner of Labour, Andhra Pradesh, Hyderabad.
10. Memo.No.J1/3771/2009, dated 16.05.2009 of the Commissioner of Labour, Andhra Pradesh, Hyderabad addressed to the Joint Commissioner of Labour, Guntur.
11. Proceedings No. A/831/2009 dated 19.05.2009 of the Joint Commissioner of Labour, Guntur.
12. Lr No. A/1520/2009, dated 23.06.2009 of Deputy Commissioner of Labour, Guntur.
13. Lr Rc.No. A/831/2009, dated 27.08.2011 of the I/c Joint Commissioner of Labour, Guntur along with the enquiry report.
14. Govt. Memo No. 4303/Lab.IV/A1/2009-10, dated 14.12.2011.
15. Govt,. Memo.No. 4303/Lab.IV./A2/2009, dated 03.04.2013.
16. Govt. Memo.No. 4303/Lab.IV/A2/2009, dated 03.04.2013.

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Annuxure – IV List of Witnesses

1. Sri U.Malleswara Kumar the then Assistant Commissioner of Labour, Tenali, now Assistant Commissioner of Labour, Guntur
2. Sri K.Rama Rao, Junior Assistant, O/o Assistant Commissioner of Labour, Tenali.

J.C. SHARMA,
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